



Agenda Date: 9/13/06
Agenda Item: IIIB

State of New Jersey
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF COMCAST OF WILDWOOD,)	
LLC (WILDWOOD SYSTEM) REQUEST FOR)	
WAIVER, AS WITHIN TIME, OF THE 30-DAY)	ORDER
NOTICE PERIOD FOR FILING OF AN)	
ALTERATION IN CHANNEL ALLOCATION)	
PURSUANT TO <u>N.J.A.C. 14:18-3.17</u> (A) AND (B))	BPU DOCKET NO. CO06080578

(SERVICE LIST ATTACHED)

BY THE BOARD

By letter dated May 23, 2006, Comcast of Wildwood, LLC (Wildwood System) (Comcast or Petitioner), sought a Board waiver, as within time, of the 30-day notice period for the filing of a notice of an alteration in channel allocation pursuant to N.J.A.C. 14:18-3.17 (a) and (b).

Comcast maintains that the waiver request is necessary, because Petitioner did not have sufficient time to comply with the 30-day notice requirement. According to Comcast, on May 18, 2006, E. W. Scripps Company (Scripps), one of its programming suppliers, gave notice that it would cease delivering the Shop at Home channel programming, previously carried on the regulated Limited Basic Tier, effective as of June 22, 2006.

Comcast attempted to publish notice of the deletion as soon as possible but was advised by the local newspaper that the earliest publication date would occur subsequent to May 21, 2006, resulting in less than 30-days' notice to subscribers.

Comcast asserts that municipal officials were notified of the change on May 22, 2006 and subscribers were notified on May 31, 2006.

N.J.A.C. 14:18-3.17 (a) and (b) require each cable company to notify the OCTV, subscribers and municipalities of any channel deletions at least 30 days prior to the effective date of the deletion.


N.J.A.C. 14:18-3.17(c) (3) provides for the relaxation of the time for providing notification when the programming service has been discontinued or withdrawn by the provider in such a manner as to leave the cable television operator without sufficient time to comply. In addition to this requirement, the cable television operator must "provide the required notice at the earliest possible date". Based upon this regulation, Petitioner seeks a waiver as within time, of the 30-day notice requirements of N.J.A.C. 14:18-3.17 because Petitioner was unable to provide sufficient notice to the OCTV, subscribers and municipalities prior to the deletion.

The deletion of the Shop at Home channel was not accompanied by a rate change in any service provided to current Comcast subscribers.

Having reviewed this matter, the Board HEREBY FINDS that the waiver is appropriate under the present circumstances. Comcast was notified of the deletion by the programming supplier with insufficient time to comply with the required 30 days prior notice, but informed the Board, subscribers and affected municipalities of the impending deletion of service at the earliest date possible. Therefore, the Board HEREBY APPROVES, as within time, Petitioner's request for a waiver of the alteration in channel allocation filing requirements previously described.

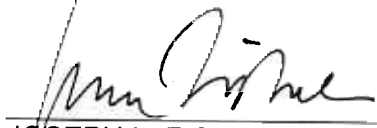
DATED: 9/14/06

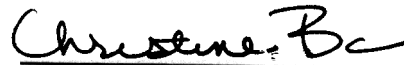
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

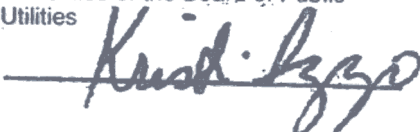

CONNIE O. HUGHES
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



**COMCAST OF WILDWOOD, LLC
REQUEST FOR WAIVER, AS WITHIN TIME, OF THE 30-DAY NOTICE PERIOD FOR FILING
OF AN ALTERATION IN CHANNEL ALLOCATION PURSUANT TO N.J.A.C 14:18-3.17 (A)
AND (B)
DOCKET NO CO06080578**

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